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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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11 UNITED STATES OF AMERICA, ) No. CR-11-00553-EJD  
12 )  
13 Plaintiff, ) STIPULATION AND [PROPOSED]  
vs. ) ORDER VACATING BRIEFING  
EDUARDO OSORIO, ) SCHEDULE AND MOTION HEARING  
Defendant. ) DATE  
16 \_\_\_\_\_)

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**STIPULATION**

19 Defendant Eduardo Osorio, by and through Assistant Federal Public Defender Varell L.  
20 Fuller, and the government, by and through Assistant United States Attorney Amie Rooney,  
21 hereby stipulate that, subject to the Court's approval, the motion hearing date set for Monday,  
22 December 17, 2012, and accompanying briefing schedule be vacated. The reason for this request  
23 is that the parties have reached a resolution and Mr. Osorio intends to return to court to enter a  
24 change of plea on December 17, 2012, the date now set for a hearing on the defendant's motion  
25 to suppress. In addition, the defense respectfully requests that its motion, Defendant's Motion to  
26 Suppress be dismissed without prejudice, and that this matter be set for December 17, 2012, for

1 change of plea and defense request for immediate sentencing.

2 IT IS SO STIPULATED.

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4 Dated: November 18, 2012

5 \_\_\_\_\_/s/  
6 VARELL L. FULLER  
7 Assistant Federal Public Defender

8 Dated: November 18, 2012

9 \_\_\_\_\_/s/  
10 AMIE ROONIE  
11 Assistant United States Attorney

12 **PROPOSED ORDER**

13 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
14 ORDERED that the motion hearing set for Monday, December 17, 2012, is VACATED. IT IS  
15 FURTHER ORDERED that the briefing schedule previously set on Defendant's Motion to  
16 Suppress is VACATED and the defendant's motion is DISMISSED WITHOUT PREJUDICE,  
17 and this matter IS HEREBY set on December 17, 2012, for change of plea and disposition.

18 IT IS SO ORDERED.

19 Dated: 11/20/2012

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21 THE HONORABLE EDWARD J. DAVILA  
22 United States District Court Judge

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